



Entered on Docket
May 18, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM BASED,
IN WHOLE OR IN PART, UPON
INVESTMENT IN COPPER SAGE
COMMERCE CENTER, LLC LOAN
EXCEPT FOR AMOUNTS DESIGNATED
AS "UNREMITTED PRINCIPAL"**

Hearing Date: April 30, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Second Omnibus Objection Of USACM Trust
2 To Proofs Of Claim Based, In Whole Or In Part, Upon Investment In Copper Sage
3 Commerce Center, LLC Loan Except For Amounts Designated As ‘Unremitted
4 Principal’” [Docket No. 6971] (the “Objection”); with appropriate notice of the Objection
5 having been given; with no response to the Objection having been filed; and good cause
6 appearing:

7 **IT IS HEREBY ORDERED** that:

- 8 1. The Objection is sustained;
- 9 2. The amounts listed as “Unremitted Principal” on Exhibit A attached are
10 allowed as general unsecured claims; and
- 11 3. The balance of the claims listed on Exhibit A attached to this Order are
12 disallowed to the extent they are based upon Copper Sage Commerce Center, LLC Loan,
13 an investment that has been repaid in full.
- 14 4. Nothing in this order shall prejudice the USACM Trust to file further
15 objections to any portion of the claims.

16
17 PREPARED AND RESPECTFULLY SUBMITTED BY:

18 **LEWIS AND ROCA LLP**

19 By /s/ John Hinderaker (018024)
20 Rob Charles
John Hinderaker
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24 *Attorneys for USACM Liquidating Trust*
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1 APPROVED/DISAPPROVED
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4 By: _____
August Landis
Assistant United States Trustee
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker
Attorneys for USACM Liquidating Trust

**COPPER SAGE I LOAN
SECOND OMNIBUS OBJECTION**

**EXHIBIT A
Multiple Loan Claims**

Claim	Name	Address	Total Claim Amount	Claim Amount Relating to Copper Sage Commerce	Amount Scheduled for Unremitted Principal in the Copper Sage Commerce Loan	Approximate Amount Subject to Objection Because it Relates to an Investment in the Copper Sage Commerce
10725-02366	Al-Awar Living Trust Dtd 4/05/01	Adib M. and Ellen A. Al-Awar Ttees 1330 Burro Ct Gardnerville, NV 89410	\$3,615,913.62	\$400,000.00	\$0	\$400,000.00
10725-02215	Charles B. Anderson Trust	Jones Vargas Attn: Janet L Chubb, Esq P.O. Box 281 Reno, NV 89504	\$185,281.09	\$35,750.73	\$34,717.39	\$1,033.34
10725-01396	Cardwell Family Trust	c/o Michael J. Dawson, Esq. 515 South Third Street Las Vegas, NV 89101	\$3,229,496.02	\$193,321.21	\$0	\$193,321.21
10725-01397	Cardwell Family Trust	c/o Michael J. Dawson, Esq 515 South Third Street Las Vegas, NV 89101	\$3,331,718.07	\$193,321.21	\$0	\$193,321.21
10725-01401	Cardwell Family Trust	c/o Michael J. Dawson Esq 515 South Third St Las Vegas, NV 89101	\$3,226,795.82	\$300,000.00	\$104,152.17	\$195,847.83
10725-02068	Marguerite Falkenberg 2000 Trust Dtd 6/20/00	c/o Marguerite Falkenberg Ttee 727 3rd Ave Chula Vista, CA 91910-5803	\$794,366.81	\$47,387.68	\$0	\$47,387.68
10725-02202	Marguerite Falkenberg 2000 Trust Dtd 6/20/00	c/o Marguerite Falkenberg Trustee 727 3rd Ave Chula Vista, CA 91910-5803	\$794,366.81	\$47,387.68	\$34,717.39	\$12,670.29
10725-01660	Robert J. and Ruth Ann Kehl	Janet L. Chubb Esq Jones Vargas P.O. Box 281 Reno, NV 89504-0281	\$12,841,680.13	\$401,744.00	\$347,173.90	\$54,570.10